IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO. 333 OF 2005

The Municipal Corporation of
Greater Mumbai. ... Appellant.

Versus.

Smt.Esperance Roario Fernandes. ... Respondents

Ms.Geeta Joglekar for the Appellant.

CORAM : ABHAY S.OKA, J.

DATED : 14th March, 2005.

P.C.:

1. Heard the learned Advocate appearing for the Appellant. The challenge in this Appeal from Order by the Appellants/Defendants is to the Judgment and Order dated 22nd January 1997. By the said Judgment and Order the Notice of Motion taken out by the Respondent/Plaintiff has been made absolute and the order of temporary injunction has been granted. The order of temporary injunction is now operating for the last more than eight years. The order of temporary injunction is an equitable and discretionary relief. No interference is called for after lapse of about five years.

2. Hence the Appeal is dismissed with no order as to costs. All contentions of the parties on merits in the pending suit are kept open.

Judge.